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FEB 19 2008

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase 73-12110
(Insert water right number)

Case No. 39576)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Flying Joseph Ranch, LLC; c/o Judy Galfano
Address: 7213 Perimeter Road South; Seattle, WA 98108

Name: James P. Speck (attorney for objector)
Address: P.O. Box 987; Ketchum, Idaho 83340

Name:
Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. Recommendation:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

The claimant's objection seeks to overcome IDWR's recommendation of disallowance. The objection seeks a POU on BLM land where irrigated agricultural activities are not authorized and therefore should be removed: Lot 4 (NWNW), S01, T13N, R22E. There are 2 other POUs described that contain both public and private land, therefore the use needs clarification.

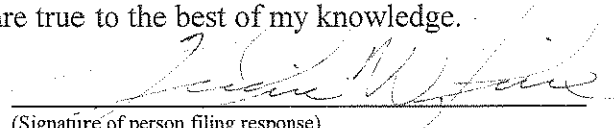
E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

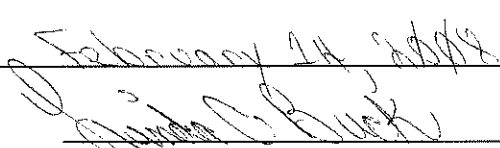
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

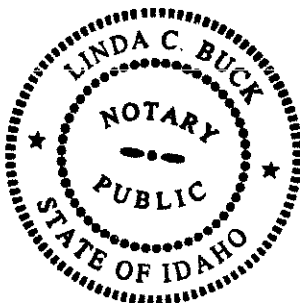
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6)
or that I am the attorney for the party/claimant responding and that I have read this response, know
its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 14, 2008


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on FEB 15, 2008, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Flying Joseph Ranch, LLC; c/o Judy Galfano
7213 Perimeter Road South; Seattle, WA 98108

3. One copy to the party who filed the objection at the following address:

Flying Joseph Ranch, LLC; c/o Judy Galfano
7213 Perimeter Road South; Seattle, WA 98108
James P. Speck (attorney for objector)
P.O. Box 987; Ketchum, Idaho 83340

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

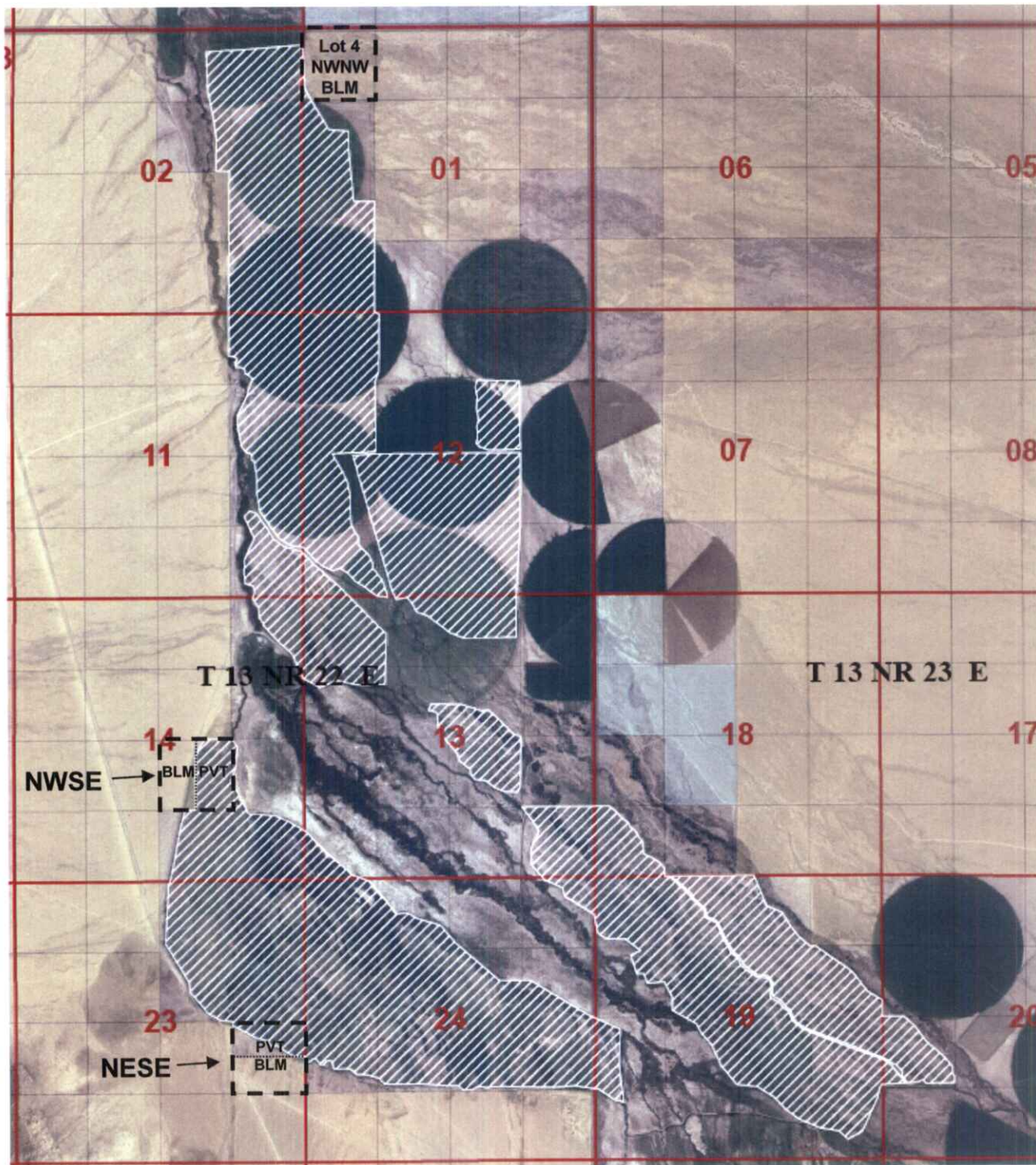


Your signature or signature of attorney mailing on your behalf

01/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
73-12062	NORTHWEST FIDELITY TRUST PO BOX 133 MAY ID 83253	Disallowed	No beneficial use found.
73-12063	BIG CREEK RANCH LLC PO BOX 3823 KETCHUM ID 83340	Disallowed	No beneficial use found.
73-12074	PEGGY L MARTINY 667 N BIRCH CREEK RD CORVALLIS MT 59628	Disallowed	Recommended as Right Nos. 73-12072, 73-12073, 73-12075 and 73-12076.
73-12089	NORTHWEST FIDELITY TRUST PO BOX 133 MAY ID 83253	Disallowed	Claim incomplete.
73-12110	FLYING JOSEPH RANCH LLC C/O JUDY GALEFANO 7213 PERIMETER RD S SEATTLE WA 98108	Disallowed	No beneficial use found.



73-12110
Flying Joseph Ranch LLC

POU on BLM:

-The place of use T13N R22E S01 Lot 4 NWNW is BLM land; use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

Mixed POUs:

-T13N R22E S14 NWSE and T13N R22E S23 NESE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

TOWNSHIP 13 NORTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

IDAH0 FALLS DISTRICT SEC 3

CUSTER COUNTY 037 LEMHI COUNTY 059

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

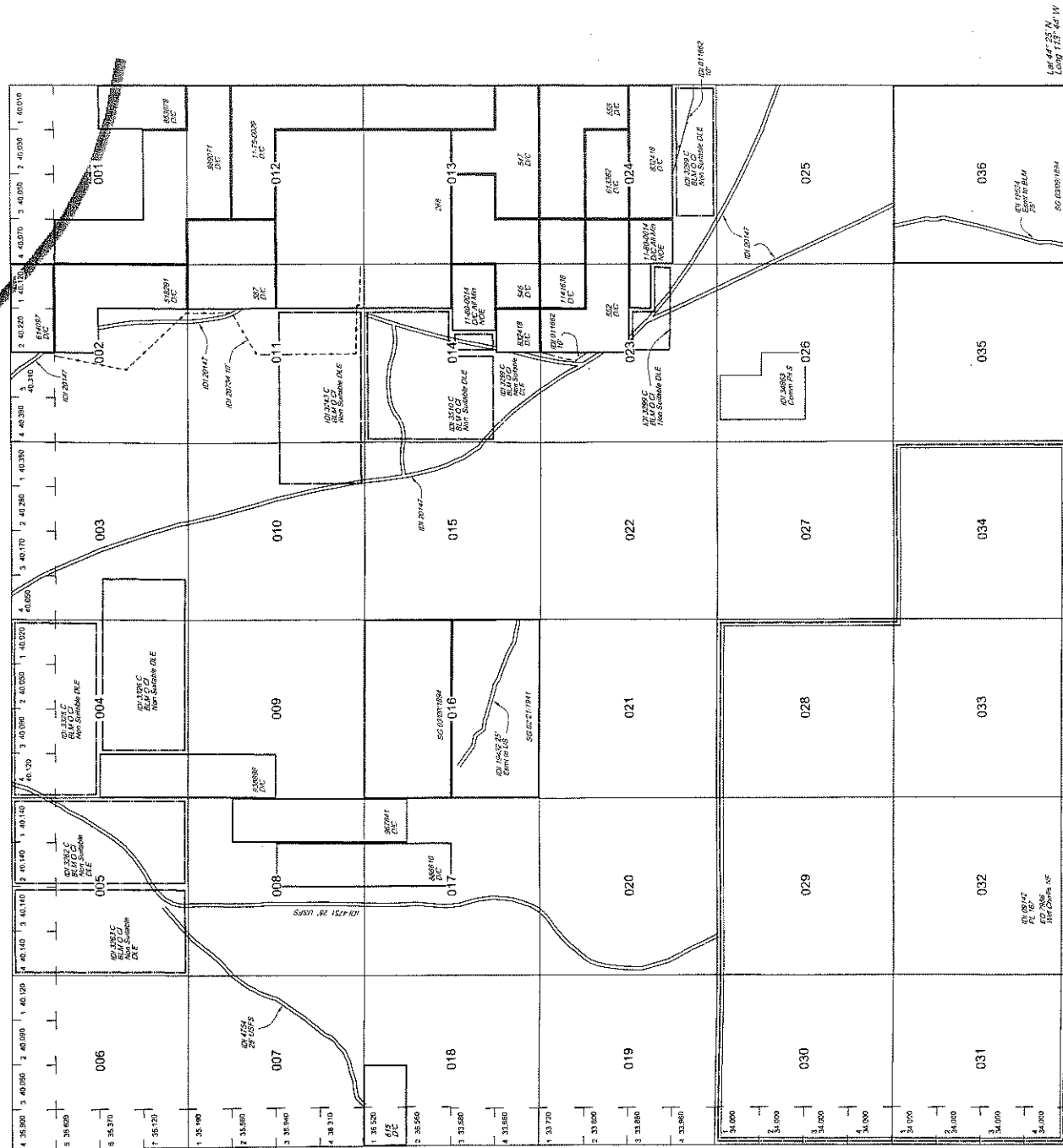
INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
001	13	22	1
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ID 09142 Del PL 167, Act of Cong 07/23/1959
completed 12/10/1962. All NE surface right by USFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF:	D0001DND2EAM10000A.Mpg
CONVERTED TFF:	11/03/2009
LAST UPDATED:	01/01/2008
DAOC #1:	DAOC #2
POSTED TO PUBLIC RECORDS:	BY:
PUBLIC LAND SURVEY SYSTEM (PLSS):	BLM GCMR ACQUIRED: 04/24/2005
OTHER:	NA
PROJECTED COORDINATE SYSTEM:	UTM ZONE 18N, NAD 1983
NOTE:	
USE PLATS:	

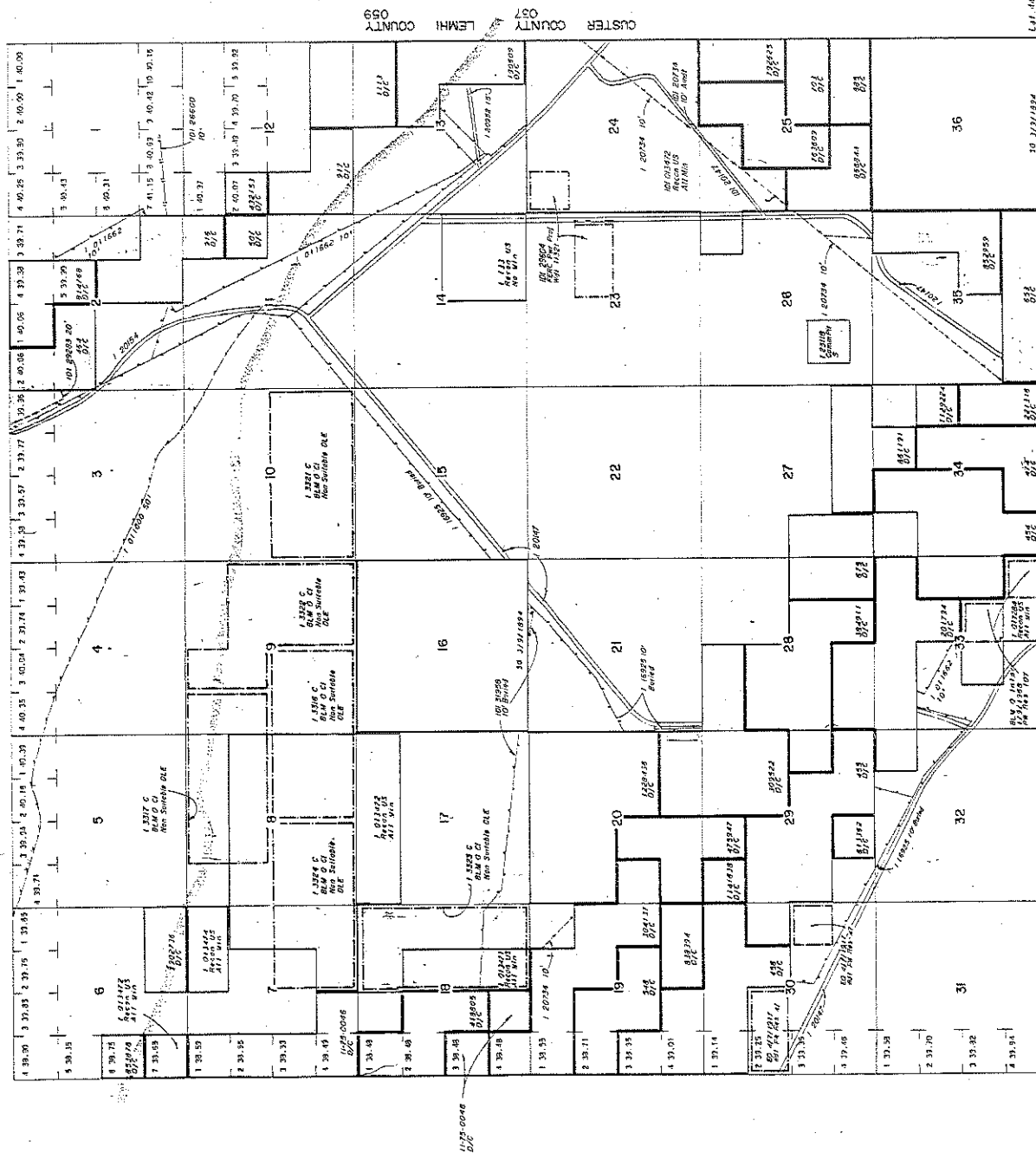
Boiler Over
T. 13 N
R. 22 E



12 N 27 E

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

SALMON DISTRICT SEC 3

[illegible]

SCALE in Chains

Boise Mer
T. 13N
R. 23E

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER